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May 12, 2009

The Honorable John Hoeven
Governor
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Senate Bill 2024

Dear Governor Hoeven:

During the recent legislative session, a bill was introduced to transfer responsibility for the Racing Commission to the Office of Attorney General. That bill failed to win Senate approval. A subsequent bill was amended in the House to include the provisions of the previously unsuccessful bill. It, too, failed to pass in the Senate. The referenced legislation (SB 2024) was originally your budget for the Racing Commission, but was significantly amended in the House to include a hybrid reorganization plan placing certain functions of the Racing Commission with the Attorney General, certain functions with the Agriculture Commissioner, and certain functions alternatively with one or the other. In attempting to satisfy all interests, the result is satisfactory to no one, and particularly objectionable to us. In recognition of this flawed outcome, the legislature delayed implementation of the legislation until after adjournment of the 2011 Legislative Assembly, thus not actually enacting any changes at all, at least for now.

As you know, once a statute is adopted, no matter how ill conceived, the tendency is to attempt to improve it in subsequent sessions, rather than repeal it. Bad legislation should not be allowed this luxury. The legislature had the opportunity to start over and be relieved of this unworkable plan as a jumping off point. With a clean slate the Legislative Council would have the opportunity of assigning this challenge to an appropriate interim committee for input from interested parties and the crafting of a well thought-out alternative to the 11th hour effort contained in SB 2024.

We ask that you facilitate this process by exercising your veto power with respect to those portions of SB 2024 which fall outside the appropriation for the operation of the Racing Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wayne Stenehjem".

Wayne Stenehjem
Attorney General

A handwritten signature in blue ink, appearing to read "Doug Goehring".

Doug Goehring
Agriculture Commissioner